

ORIGINAL**FILED**

OCT 13 2010

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

1 **Todd M. Friedman (216752)**
 2 **Darin Shaw (251037)**
 3 **Law Offices of Todd M. Friedman, P.C.**
 4 **369 S. Doheny Dr. #415**
 5 **Beverly Hills, CA 90211**
 6 **Phone: 877-206-4741**
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 9 **dshaw@attorneysforconsumers.com**
 10 **Attorney for Plaintiff**

11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**


13 **MICHAEL MURPHY,**

14 Plaintiff,

15 vs.

16 **HUNT & HENRIQUES,**

17 Defendant.

) Case No. **10CV 2136 LAB**  **WVG**
)

) **COMPLAINT FOR VIOLATION**
) **OF FEDERAL FAIR DEBT**
) **COLLECTION PRACTICES ACT**
) **AND ROSENTHAL FAIR DEBT**
) **COLLECTION PRACTICES ACT**
)
)
)

20 **I. INTRODUCTION**

21 1. This is an action for damages brought by an individual consumer for
 22 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C.
 23 §1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection
 24 Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA"), both of
 25 which prohibit debt collectors from engaging in abusive, deceptive, and unfair
 26 practices.
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CA

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d).

III. PARTIES

3. Plaintiff, Michael Murphy ("Plaintiff"), is a natural person residing in San Diego county in the state of California, and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal Civ Code §1788.2(h).

4. At all relevant times herein, Defendant, Hunt & Henriques ("Defendant") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. On or about July 15, 2010, Defendant began calling Plaintiff in attempt to collect an alleged debt for a Citibank credit card.

1 7. Plaintiff initially received a missed call from Defendant on July 15,
2 2010. When Plaintiff returned the missed call, he spoke to Wendy, an employee
3 of Defendant. According to Wendy, Defendant was hired by Citibank to file suit
4 and that although she is not an attorney, she had called him to see if she could
5 settle the matter without going that far. Wendy advised Plaintiff that she wanted
6 to make arrangements to take care of the matter without filing a judgment.
7 Wendy asked Plaintiff if he was in a position to pay, and Plaintiff advised he
8 wasn't at that time, but that Wendy could call back in a few weeks. Wendy
9 advised Plaintiff that he didn't have a few weeks, that she needed to know
10 something by the July 23, 2010, or the matter would be sent to the attorneys.
11 When Plaintiff asked if Defendant had sent a letter regarding the matter to him,
12 Wendy advised a letter had been sent on July 9, 2010. Plaintiff advised he had
13 not received the letter yet. Wendy continued to advise Plaintiff that she must
14 have an answer within a week or the paperwork to file suit against Plaintiff would
15 begin. Wendy failed to provide Plaintiff with the notices required by 15 U.S.C.
16 1692g and was clearly aware that Plaintiff had not yet received a letter from
17 Defendant. Plaintiff was allowed to request validation of the alleged debt within
18 thirty days of his initial contact with Defendant. Wendy insisted that he make
19 arrangements to pay the alleged debt within a week and her repeated threats to
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1 file suit against him was an intimidation tactic used to deny him his right for
2 validation under the FDCPA.
3

4 8. On or about July 22, 2010, Plaintiff began receiving multiple
5 messages and missed calls from Defendant.
6

7 9. On or about July 30, 2010, Plaintiff's counsel faxed and mailed a
8 letter of representation to Defendant. Plaintiff's counsel requested Defendant
9 cease all communication with Plaintiff. Further, Plaintiff's counsel requested
10 Defendant provide validation of the alleged debt. The validation was requested
11 well within the thirty day time period provided by the FDCPA. (See letter
12 attached as Exhibit "A")
13
14

15 10. Defendant continued to call Plaintiff directly after July 30, 2010,
16 including at least two calls on August 2, 2010.
17

18 11. Plaintiff's counsel sent two more letters to Defendant in an attempt
19 to discuss the alleged debt and resolve the matter. (See letter dated August 10,
20 2010 attached as Exhibit "B" and letter dated August 25, 2010, attached as
21 Exhibit "C"). Defendant has yet to provide validation of the alleged debt.
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23

24 12. Defendant's conduct violated the FDCPA and the RFDCPA in
25 multiple ways, including but not limited to:
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- 27 a) Where Defendant had not yet made an attempt to
28 contact Plaintiff's counsel or had not given Plaintiff's
counsel sufficient time to respond to the initial attempt
to communicate with Plaintiff's counsel, and where

1 Plaintiff's counsel had not given Defendant permission
2 to contact Plaintiff directly, communicating with
3 Plaintiff directly after learning that Plaintiff is being
4 represented by counsel (§1692c(a)(2));

5 b) Falsely representing or implying that nonpayment of
6 Plaintiff's debt would result in the seizure, garnishment,
7 attachment, or sale of Plaintiff's property or wages,
8 where such action is not lawful or Defendant did not
9 intend to take such action (§1692e(4));

10 c) Threatening to take an action against Plaintiff that
11 cannot be legally taken or that was not actually intended
12 to be taken (§1692e(5));

13 d) Failing to notify Plaintiff during the initial
14 communication with Plaintiff that the communication
15 was an attempt to collect a debt and any information
16 obtained would be used for that purpose (§1692e(11));

17 e) Failing to notify Plaintiff during each collection contact
18 that the communication was from a debt collector
19 (§1692e(11));

20 f) Failing to provide Plaintiff with the notices required by
21 15 USC § 1692g, either in the initial communication
22 with Plaintiff, or in writing within 5 days thereof
23 (§1692g(a));

24 g) After having received a written communication from
25 Plaintiff disputing the debt, continuing to contact
26 Plaintiff without having first having provided validation
27 of the debt (§ 1692g(b));

28 h) Overshadowing the disclosures required by 15 USC §
1692g(a) during the thirty-day dispute period
(§1692g(b)); and

- 1 i) Making representations to Plaintiff during the 30-day
 2 dispute period that are inconsistent with the disclosures
 3 required by 15 USC §1692g(a) (§ 1692g(b)).

4 13. As a result of the above violations of the FDCPA and RFDCPA
 5 Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal
 6 humiliation, embarrassment, mental anguish and emotional distress, and
 7 Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages,
 8 and costs and attorney's fees.
 9
 10

11 **COUNT I: VIOLATION OF FAIR DEBT**
 12 **COLLECTION PRACTICES ACT**

- 13 14. Plaintiff reincorporates by reference all of the preceding paragraphs.
 14

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 17 against the Defendant for the following:

- 18 A. Declaratory judgment that Defendant's conduct
 19 violated the FDCPA;
 20 B. Actual damages;
 21 C. Statutory damages;
 22 D. Costs and reasonable attorney's fees; and,
 23 E. For such other and further relief as may be just and proper.
 24

25 **COUNT II: VIOLATION OF ROSENTHAL**
 26 **FAIR DEBT COLLECTION PRACTICES ACT**

- 27 15. Plaintiff reincorporates by reference all of the preceding paragraphs.
 28

1 16. To the extent that Defendant's actions, counted above, violated the
2 RFDCPA, those actions were done knowingly and willfully
3

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully prays that judgment be entered
6 against the Defendant for the following:
7

- 8 A. Declaratory judgment that Defendant's conduct
9 violated the RFDCPA;
10 B. Actual damages;
11 C. Statutory damages for willful and negligent violations;
12 D. Costs and reasonable attorney's fees,
13 E. For such other and further relief as may be just and proper.

14 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

15 Respectfully submitted this 12th day of October, 2010.
16

17
18
19 By: _____

20 **Todd M. Friedman (216752)**
21 **Law Offices of Todd M. Friedman, P.C.**
22 **369 S. Doheny Dr. #415**
23 **Beverly Hills, CA 90211**
24 **Phone: 877 206-4741**
25 **Fax: 866 633-0228**
26 **tfriedman@attorneysforconsumers.com**
27 **Attorney for Plaintiff**
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EXHIBIT A

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

ATTORNEYS FOR CONSUMERS

369 SOUTH DOHENY DRIVE #415

BEVERLY HILLS, CA 90211

877-206-4741 TOLL FREE

866-633-0228 FACSIMILE

CALIFORNIA OFFICE

WWW.ATTORNEYSFORCONSUMERS.COM

E-MAIL: TFRIEDMAN@ATTORNEYSFORCONSUMERS.COM

**WRITER LICENSED IN:
CALIFORNIA**

July 30, 2010

VIA U.S. MAIL and FACSIMILE (408)362-2299

Hunt & Henriques

Attorneys at Law

151 Bernal Road, Suite 8

San Jose, CA 95119

**RE: Dr. Michael Murphy
Account No. 5419310820489141**

To Whom It May Concern:

Please be advised that this office represents the above-named individual regarding the aforementioned account.


Having been formally notified of our representation, we respectfully demand you not contact our client for any reason. Instead, please direct all future contact and correspondence to this office. We reserve the right to seek injunctive relief and damages under federal and state Fair Debt Collection Practices Acts against you should you fail to honor these directives.

The purpose of this letter is to begin a settlement dialogue. However, prior to recommending any settlement, we first need validation of the subject account, including a full accounting history (e.g., principal, interest, collection fees, payments made, etc.). Until this full accounting is provided, you are to consider this debt disputed and to govern yourself accordingly (for example, but not limitation, to cease collection efforts until the debt is validated and to update any credit reporting as such).

Although at this time our notice of representation pertains to negotiating a resolution of this alleged debt, our client has authorized us to review the collection activity of all creditors and collectors with whom he/she is dealing to determine if all relevant state and federal collection, credit reporting, credit billing and lending laws have been complied with. This may include a review of our client's collection notes and logs, if any, phone recordings, if any, and your collection file should this matter go to suit to collect the alleged debt. Should any violations be found to have occurred, you are advised this Office has been directed to prosecute any such claims to the fullest extent possible and to seek the maximum damages available under the law, including payment of our attorney fees pursuant to fee shifting provisions found under the FDCPA, FCRA, FCBA, TILA and/or state law.

Please provide the aforementioned accounting, along with your current settlement demand as soon as possible so we can determine if this account is appropriate for settlement. We hope this matter can be resolved amicably for our client's benefit, as well as yours.

Best regards,



Todd M. Friedman
Attorney at Law

Cc: Michael Murphy

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EXHIBIT B

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

ATTORNEYS FOR CONSUMERS

369 SOUTH DOHENY DRIVE #415

BEVERLY HILLS, CA 90211

877-206-4741 TOLL FREE

866-633-0228 FACSIMILE

CALIFORNIA OFFICE

WWW.ATTORNEYSFORCONSUMERS.COM

E-MAIL: TFRIEDMAN@ATTORNEYSFORCONSUMERS.COM

**WRITER LICENSED IN:
CALIFORNIA**

August 10, 2010

Hunt & Henriques
Attorneys at Law
151 Bernal Road, Suite 8
San Jose, CA 95119

**RE: Dr. Michael Murphy
Account No. 5419310820489141**

To Whom It May Concern:

Please be advised that this office represents the above-named individual regarding claims against your company pursuant to the Federal Fair Debt Collection Practices Act, 15 U.S.C 1692, et seq. and/or State law.

Having been formally notified of our representation, we respectfully demand you not contact our client for any reason. Instead, please direct all future contact and correspondence to this office. We reserve the right to seek injunctive relief against you should you fail to honor these directives.

The purpose of this letter is to advise your company of its violations and to quickly resolve the matter of my client's right to compensation for the same without resort to expensive and unnecessary litigation. Our initial assessment of this matter is that before additional damages accrue, including needless attorney fees, we should work together expeditiously to correct the inequity that occurred in connection with your company's handling of the alleged outstanding debt owed by my client (which we hereby dispute and demand proof of). The violations that have occurred include, but are not limited to:

- a) Where Defendant had not yet made an attempt to contact Plaintiff's counsel or had not given Plaintiff's counsel sufficient time to respond to the initial attempt to communicate with Plaintiff's counsel, and where Plaintiff's counsel had not given Defendant permission to contact Plaintiff directly, communicating with Plaintiff directly after learning that Plaintiff is being represented by counsel (§1692c(a)(2));
- b) Falsely representing or implying that nonpayment of Plaintiff's debt would result in the seizure, garnishment, attachment, or sale of

Plaintiff's property or wages, where such action is not lawful or Defendant did not intend to take such action (§1692e(4));

- c) Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken (§1692e(5));
- d) Failing to notify Plaintiff during the initial communication with Plaintiff that the communication was an attempt to collect a debt and any information obtained would be used for that purpose (§1692e(11)); and
- e) Failing to notify Plaintiff during each collection contact that the communication was from a debt collector (§1692e(11)).

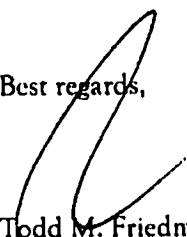
As you are aware, aside from any client's economic damages, emotional distress damages are actual damages deserving of compensation. Smith v. Law Office of Mitchell N. Kay, 124 B.R. 182, 185 (D. Del. 1990); In re Littles, 75 B.R. 241, 242 (Bankr. E.D. Pa. 1987). You are also aware that my client may be entitled to statutory damages of up to \$1,000.00. 15 U.S.C. §§ 1692k(a)(1), (2)(A) and (b)(1). Kobs v. Arrow Service Bureau, Inc., 134 F.3d 893 (7th Cir. 1998); In re Littles, 75 B.R. 241, 242 (Bankr. E.D. Pa. 1987). In addition to the above, the FDCPA also provides for the recovery of attorneys' fees and costs.

I am sure your company can appreciate the need to address this issue with my client and the need to avoid unnecessary litigation. My client, too, appreciates the hardships of protracted litigation. Therefore, we are willing today to settle this matter for \$3,500.00, inclusive of fees and costs, plus return all monies garnished from my client, plus your company's, and its assigns, agreement to cease all collection activities with our client, and remove, correct or prevent any and all trade-line information that appears, had appeared or may appear on any of my client's credit reports. This demand is inclusive of all statutory and actual damages both in the form of emotional distress, economic loss, damage to credit, and attorneys' fees and costs. As I am sure you are aware, decisions from around the country have proven time and again that a substantial award can be obtained should my client have an opportunity to present this case to a jury. See Belile v Allied Medical Accounts Control Associated Bureaus, Inc., 209 B.R. 658 (E.D. Pa. 1997) (Consumer is entitled to actual damages under the FDCPA, PDCTPR and UTPCPL for emotional distress arising from unlawful debt collection practices arising from letter violation); Crossley v Lieberman, 90 B.R. 682 (E.D. Pa. 1988), aff'd, 868 F.2d 566 (3d. Cir. 1989)(actual damages in the form of emotional stress assessed at \$1,000 for debt collector's violation of the FDCPA); In re Littles, 75 B.R. 241 (E.D. Pa. 1987), aff'd, 90 B.R. 700 (E.D. Pa. 1988); Southern Siding Company, Inc. v. Raymond, 703 So.2d 44 (La. App., 1st Cir. 1997)(Actual damages of \$5000 and \$2000 and \$2000 in statutory damages were awarded to husband and wife under the FDCPA for mental and emotional distress in the form of undue stress, anxiety and sleeplessness and physical injury in the form of depression as result of threatening letter); Venes v. Professional service Bureau, 353 N.W. 2d 671 (Minn. Ct. App. 1984)(\$6000 awarded for undue stress as a result of debt collection violations involving harassing telephone calls); Smith v. Law Offices of Mitchell N. Kay, 124 B.R. 182 (D. Del. 1991)(\$3000 for actual damages in the form of emotional distress as a result of FDCPA violation). Moreover, such damages as outlined above, including personal humiliation, embarrassment,

sleeplessness, depression and mental anguish or emotional stress need not be proved by expert testimony and can be sustained by the consumer himself. See *Belile, Crossley, Littles, Raymond*.

In conclusion, you are hereby directed to cease and desist all collection activities until the alleged debt is verified. Further, if you chose to ignore this letter seeking settlement, then we will have no choice but to pursue my client's claims in a court of law. Please be advised that if such circumstances should arise, my demand shall be deemed withdrawn upon the filing of our complaint. Again, we hope that this can be avoided.

Best regards,



Todd M. Friedman
Attorney at Law

Cc: Michael Murphy

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EXHIBIT C

LAW OFFICES OF TODD M. FRIEDMAN, P.C.
ATTORNEYS FOR CONSUMERS
369 SOUTH DOHENY DRIVE #415
BEVERLY HILLS, CA 90211
877-206-4741 TOLL FREE
866-633-0228 FACSIMILE
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WRITER LICENSED IN:
CALIFORNIA

August 25, 2010

Hunt & Henriques
Attorneys at Law
151 Bernal Road, Suite 8
San Jose, CA 95119

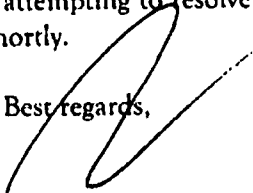
RE: Dr. Michael Murphy
Account No. 5419310820489141

To Whom It May Concern:

Please allow this letter to serve as a follow-up to my initial correspondence regarding my client, Mr. Murphy. As I noted previously, we believe that your conduct in attempting to collect an alleged debt from my client clearly constitutes violations of the Federal Fair Debt Collection Practices Act and the Rosenthal Fair Debt Collection Practices Act.

I indicated in my initial communication that I prefer to resolve this matter amicably without the need for an expensive court battle. If you do not respond to this communication within a timely manner, I will assume you have no intention on attempting to resolve this and we will proceed with litigation. I look forward to hearing from you shortly.

Best regards,


Todd M. Friedman
Attorney at Law

cc: Michael Murphy

JS 44 (Rev. 12/07)

ORIGINAL

CIVIL COVER SHEET

FILED

OCT 13 2010

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY 2/ DEPUTY**I. (a) PLAINTIFFS**

MICHAEL MURPHY

DEFENDANTS

HUNT & HENRIQUES

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Law Offices of Todd M. Friedman, P.C.
369 S. Doheny Dr., #415, Beverly Hills, CA 90211, (877) 206-4741

Attorneys (If Known)

10CV 2136 LAB

WVG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692Brief description of cause:
Violation of the Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/12/2010

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

19081

AMOUNT

\$350

APPLYING IFP

1m 10/13/10

JUDGE

MAG. JUDGE

CR

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS019081
Cashier ID: kdelabar
Transaction Date: 10/14/2010
Payer Name: FRIEDMAN, TODD

CIVIL FILING FEE
For: MURPHY V. HUNT, HENRIQUES
Case/Party: D-CAS-3-10-CV-002136-001
Amount: \$350.00

CHECK
Check/Money Order Num: 2391
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.